

FILED

NOT FOR PUBLICATION

FEB 24 2006

UNITED STATES COURT OF APPEALS

**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

FOR THE NINTH CIRCUIT

KENNETH A. SIERRA,

Plaintiff - Appellant,

v.

CAL A. TERHUNE,

Defendant - Appellee.

No. 05-15892

D.C. No. CV-01-05131-AWI

MEMORANDUM^{*}

Appeal from the United States District Court
for the Eastern District of California
Anthony W. Ishii, District Judge, Presiding

Submitted February 21, 2006^{**}

Before: SCHROEDER, Chief Judge, GOODWIN and RAWLINSON, Circuit
Judges.

Upon review of the record and appellant's opening brief, this court hereby
summarily affirms the district court's order denying appellant's motion for
preliminary injunctive relief. *See United States v. Hooton*, 693 F.2d 857 (9th Cir.

^{*} This disposition is not appropriate for publication and may not be
cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

^{**} This panel unanimously finds this case suitable for decision without
oral argument. *See* Fed. R. App. P. 34(a)(2).

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1982) (per curiam) (summary affirmance appropriate where result is clear from face of record).

All pending motions are denied as moot.

AFFIRMED